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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of: Patrick J. Sullivan, et al.
Serial No.: 08/889,889
Filing Date: July 8, 1997
Group Art Unit: 2713
Examiner: V. Le
Title: VIDEO SURVEILLANCE SYSTEM AND METHOD

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Honorable Assistant Commissioner
for Patents
BOARD OF APPEALS AND INTERFERENCES
Washington, D.C. 20231

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Esmarie A Garland
Name

September 14, 2000
Date of Signature

Dear Sir:

REPLY BRIEF

Appellants have appealed to this Board from the decision of the Examiner, contained in a final Office Action mailed July 7, 1999, finally rejecting Claims 1-42. The Examiner rejects Claims 1-42 as being anticipated by U.S. Patent No. 5,585,839 to Ishida et al. ("Ishida"). Appellants respectfully submit this Reply Brief in response to the Examiner's Answer mailed on July 17, 2000.

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FORMALITIES

The Examiner states that “[t]he Brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal....” The Examiner also invites the Board to exercise its discretion as to whether to require a statement as to the existence of any related appeals and interferences. However, the Appeal Brief, as originally filed, includes a section entitled “Related Appeals and Interferences,” which explicitly states that there are no other appeals or interferences known to the Appellants, the undersigned Attorney for the Appellants, or the Assignee that will directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.

Since the filing of the Appeal Brief, Attorneys for the Appellant filed a notice of appeal for a related pending U.S. Patent Application Serial No. 08/677,513, entitled *Video Surveillance System And Method*, also assigned to the Real Party in Interest identified in the Appeal Brief. Attorneys for the Appellant filed the notice of appeal for the related application on September 11, 2000.

REPLY

Appellants’ Appeal Brief sets out in detail why the claims under appeal are allowable over the prior art and why the Examiner’s final rejection of these claims should therefore be reversed. Appellants respectfully submit, however, that the Examiner’s Answer fails to meaningfully respond to Appellants’ showing. Instead, it appears that the Examiner has merely reiterated his arguments from the Final Office Action. Thus the following discussion recapitulates portions of the analysis of the Appeal Brief, while focusing particularly on the specific points and citations from the Examiner’s Answer.

With respect to Group 1, the Examiner again references portions of *Ishida* showing an automated teller machine (ATM) co-located with the disclosed system of *Ishida*, in this case referring to col. 13, line 56 to col. 14, line 9. However, as with his previous cites, the Examiner has merely identified a description of a room containing both an ATM and the *Ishida* guidance service system (shown in Figure 19 of *Ishida*). Neither the figure nor the accompanying description show any connection or cooperation between the ATM and the guidance service system. Moreover, *Ishida*, at col. 14, lines 11-12 specifically states that “[t]he devices that constitute this system will be explained by using FIGS. 20, 21 and 22.” These figures and the accompanying descriptions not only fail to show any communications or connectivity between the ATM and the guidance service system, but fail to even mention

the ATM or any financial devices. Thus, *Ishida* fails to anticipate Appellants' Claim 1, which recites:

A video surveillance system, comprising:

a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network; and

a server coupled to the client using the communications network, the server operable to receive the data and video from the client and to display the video and data in real-time.

As for the Examiner's discussion of the implied meaning of the term "data" within *Ishida*, Appellants reiterate that the data, as explicitly described, merely include information such as "control signals for operating the audio signal switch circuit 26 and video signal switch circuit 25." See *Ishida*, Column 7, lines 63-65. *Ishida* fails to disclose generating data from a financial transaction and then transmitting this data and video of the transaction using a communications network.

With respect to Groups 2 and 3, the Examiner attempts to address Appellants' statement in the Appeal Brief that "[a]n analysis of *Ishida* reveals that it fails to disclose or illustrate any elements for accumulating and storing digital information at the end station terminals." In an attempt to identify such elements, the Examiner points out that *Ishida* "at col. 17, lines 38-45 clearly discloses digital storage capability." However, the Examiner apparently fails to realize that the cited description details components of "the center station equipment." See *Ishida*, col. 16. lines 43-44. Thus, as stated in the Appeal Brief, *Ishida* fails to anticipate a "client operable to accumulate and store the data and video as a digital file, the client operable to transmit the digital file across a communications network." Appellants' Claim 22. Moreover, *Ishida* fails to anticipate the steps of "accumulating generated data and video for multiple financial transactions" and "storing the accumulated data and video as a digital file until the client connects to the server." Appellants' Claim 33. Therefore, *Ishida* fails to anticipate Appellants' Claims 22 or 33.

Appellants thoroughly demonstrated in the Appeal Brief why the cited prior art fails to disclose, teach, or suggest the limitations of Claims 1, 22, and 33. The Examiner's Answer

does not in any way controvert Appellants' showing. Rather, the Examiner simply reiterates his position as stated in the Final Office Action. Appellants respectfully submit that, at best, the Examiner has used impermissible hindsight reconstruction in rejecting Appellants' Claims, while still failing to meet each and every recited claim limitation. Accordingly, Appellants respectfully request the Board to reverse the Examiner's final rejection of Claims 1-42, and to instruct the Examiner to issue a Notice of Allowance of these Claims.

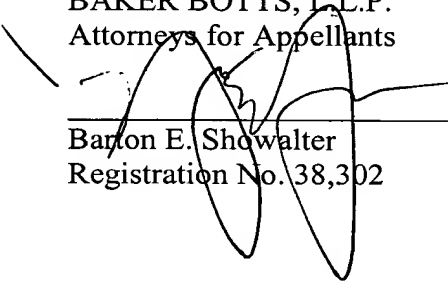
CONCLUSION

Appellants have demonstrated that the present invention, as claimed in Claims 1-42, is patentably distinct from the cited prior art. Accordingly, Appellants respectfully request that the Board reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of Claims 1-42 as last amended.

Although Appellants believe no fee is due in connection with this Reply Brief, the Commissioner is hereby authorized to charge any fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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